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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,960	07/24/2001	Ola Olofsson	TPP 30887CIP2	4841

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EXAMINER

FLANDRO, RYAN M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 10/07/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/910,960

**Applicant(s)**

OLOFSSON ET AL.

**Examiner**

Ryan M Flandro

**Art Unit**

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-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondenc address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/601,573.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Specification*

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. **Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading.** If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

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2. The disclosure is objected to because of the following informalities:
  - a. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.
  - b. Further, in accordance with 37 CFR 1.52(b)(5), other than in a reissue application or reexamination proceeding, the pages of the specification **including claims and abstract** must be numbered consecutively, **starting with 1**, the numbers being centrally located above or preferably, below, the text. Appropriate correction is required.
  - c. the phrase "a to small clearance" at page 1 line 15 of the specification is unclear.

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/601,573, filed on August 4, 2000.

#### ***Claim Objections***

3. Claim1 is objected to because of the following informalities: the word "is" at line 6 of the claim should be --are--. Appropriate correction is required.
4. Claims 2-16 are objected to because of the following informalities: the word "A" appearing at the beginning of each claim should be changed to --The--. Appropriate correction is required.

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5. Claims 2 and 3 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Specifically, claims 2 and 3 fail to further limit the structure of the guiding means.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 1 recites the limitation "the main part of the fit" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim because no "fit" or "main part" thereof are previously recited in the claim.

b. Claim 2 recites the limitation "the manufacturing process" in lines 1 and 2 of the claim. There is insufficient antecedent basis for this limitation in the claim because no "manufacturing process" is previously recited in the claim.

c. Claims 9-16 recite the limitation "the core of the boards" in line 2 of each claim as well as the limitation "the upper side of the board" in lines 3 and 4 of each claim. There is insufficient antecedent basis for these limitations in the claim because no "core" or "upper side" of the boards are previously recited in the claims.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Applicant should note that this application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martensson (US 6,101,778) in view of Parasin (US 5,165,816).

a. Claims 1-3. Martensson discloses a guiding means at a joint between boards **1**, the joint comprising a groove **6** and a tenon **7**, wherein a fitting clearance between the tenon **7** and the groove **6** includes a first fitting clearance (clearance between 9 and 10 in figure 2) and a second, guiding, fitting clearance (clearance between 12 and 13 in figure 2) which second, guiding, fitting clearance is obtained through the guiding wedges **9**

whereby the first fitting clearance comprises the main part of the fit and the second, guiding, fitting, clearance comprises a smaller part of the fit.

i. Martensson lacks disclosure of recesses provided on the surfaces of the joint so that cavities are formed to hold the glue used for joining.

ii. Parasin, however, teaches that the respective surfaces of the joint are provided with recesses to form cavities **42, 44, 46** between the tenon **12** and the groove **14** to accommodate excess glue applied during a manufacturing process wherein the glue is activated before joining the tenon **12** with the groove **14** (see figure 2; column 3 lines 16-22). Martensson, at column 1 lines 33-34, also teaches that use of glue at the assemblage of such a flooring is common knowledge in the art.

iii. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the joint of Martensson to include recesses on the surfaces of the joint to form cavities to accommodate excess glue as taught by Parasin.

b. Claims 4. The combination of Martensson and Parasin, as applied to claim 1 above, lacks disclosure of a first fitting clearance in the range of 0.1 – 1 mm and a second, guiding, fitting clearance in the range of 0.01 – .2 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create a first fitting clearance in the range of 0.1 – 1 mm and a second, guiding, fitting clearance in the range of 0.01 – 0.2 mm since it has been held that where the general conditions of a claim

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are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Allen, 105 USPQ 233.

c. Claim 5. The combination of Martensson and Parasin, as applied to claim 1 above, lacks disclosure of a first fitting clearance in the range of 0.1 – 0.5 mm and a second, guiding, fitting clearance in the range of 0.02 – 0.1 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create a first fitting clearance in the range of 0.1 – 0.5 mm and a second, guiding, fitting clearance in the range of 0.02 – 0.1 mm since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Allen, 105 USPQ 233.

d. Claim 6. The combination of Martensson and Parasin, as applied to claim 1 above, lacks disclosure of a first fitting clearance in the range of 0.1 – 0.5 mm and a second, guiding, fitting clearance in the range of 0.01 – 0.1 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create a first fitting clearance in the range of 0.1 – 0.5 mm and a second, guiding, fitting clearance in the range of 0.01 – 0.1 mm since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Allen, 105 USPQ 233.



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e. Claims 7 and 8. The combination of Martensson and Parasin, as applied to claim 1 above, includes guiding wedges **9** arranged parallel to the extension of the joint (Martensson figures 2 and 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the guiding wedges **9** of Martensson and Parasin to be arranged perpendicular to the extension of the joint, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

f. Claims 9-16. The combination of Martensson and Parasin, as applied above, further includes a guiding means **9** forming a part of the floor boards which together form a floor (see Martensson column 1 lines 53-56), whereby the core **1** of the boards is constituted by particle board (Martensson column 3 lines 31-33) and that at least the upper side of the board is constituted by a decorative thermosetting laminate **17** (Martensson column 3 lines 31-33).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to flooring panel joints:

U.S. Patent 6,182,410 to Pervan

U.S. Patent 6,006,486 to Moriau et al.

U.S. Patent 5,797,237 to Finkell, Jr.

U.S. Patent 5,706,621 to Pervan

U.S. Patent 5,295,341 to Kajiwara


U.S. Patent 2,004,193 to Cherry

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952. The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ryan M. Flandro  
September 27, 2002



**Lynne H. Browne**  
**Supervisory Patent Examiner**  
**Technology Center 3670**